Conviction of Mary Surratt

DRAWER 15

TRIAL & PUNISHMENT

The Assassination of Abraham Lincoln

Conviction of Mary Surratt

Excerpts from newspapers and other sources

From the files of the
Lincoln Financial Foundation Collection

Cadiz Ohio
Nov. 20. 1895

Dear Sir & Brother: Please accept my grateful thanks for the volume returned as requested, and also for the cordial greetings from you & your letter dated Nov. 16th instant.

The argument herein contained above was made by me on the Assembly Hall of the Lincoln Society in the final year of Lincoln's life; the final sentence unanimously pronounced on the accused defendant.

After the Sheriff had before adjourned Court, requested by a member of the Court to read a Petition for the commutation of the Sentence which the Court had been assumed to pronounce upon Clerry E. Lemmett — as requiring of the Law & the Evidence and circumstances might be commuted to imprisonment on account of his youth.

This Petition was cordially signed & the Petitioners and Clerk by the unanimously denied the request.

This is written at our request by Hon. Demas Miller at Cadiz Ohio Nov 20. 1895

Wm. A. Bingham

Cadiz, Ohio
November 20, 1895

Dear Mr. Miller:

Please accept my grateful thanks for this volume returned as requested, and also for the cordial greetings to me in your letter dated the 16th instant. My argument herein contained which was made by me in the assassination trial of conspiracies vs Mr. Lincoln fully justified the final sentence unanimously pronounced on the accused defendants.

After the sentence and before adjourning I was requested by a member of the court to draft a petition for the commutation of the death sentence which the court had been constrained to pronounce upon Mary E. Suratt -- as required by the Law and the evidence -- and that the same might be commuted to imprisonment on account of her age and sex.

This Petition was considered by President Johnson and his Cabinet and was by them unanimously denied and rejected.

This is written at the request of Mr. Dewitt Miller, at Cadiz, Ohio Nov 20. 1895.

Jno. A. Bingham

THOMAS IRWIN STARR
15400 Artesian Road
Detroit 23, Michigan

The undersigned members of the Military Commission detailed for the trial of Mary E. Surratt and others for the conspiracy and the murder of Abraham Lincoln late President of the United States, respectfully pray the President, in consideration of the sex and age of the said Mary E. Surratt, if he can upon all the facts of the case, find it consistent with his sense of duty to the Country, to commute the sentence of death, which the Court have now constituted to pronounce, to imprisonment on the Dry Tortugas for life.

Respectfully Submitted:-

D. Hunter
Major General,
President.

Aug. V. Kautz
Brig. & Bvt. Maj. Genl.

R. S. Foster
Brig. Genl. & Bvt. Major Genl.

18

James N. Ellis
Pvt. Dry. Inf
2 Mich C.

Tho. H. Hamptons
Bvt. Col. & A.G.M.

19

Brig. & Bt. Maj. Gen.

The undersigned, members of the Military Commission detailed to try Mary E. Surratt and others for the conspiracy, and the murder of Abraham Lincoln, late President of the United States, &c, respectfully pray the President, in consideration of the sex and age of the said Mary E. Surratt, if he can, upon all the facts of the case, find it consistent with his sense of duty to the country, to commute the sentence of death, which the Court have been constrained to pronounce, to imprisonment in the Penitentiary for life.

Respectfully submitted:

D. Hunter
Major General.
President.

August V. Kautz

Brig. & Bt Maj. Genl.

R. S. Foster
Brig. & Bt. Maj. Genl.

James A. Ekin.
Bvt. Brig. Genl.
Q. M. G. O.

Chas S. Tompkins.
Bt. Col. & A. Q. M.

The Judge Adv. Genl. having
announced that there was no
further business before the Commission
the Commission adjourned sine die

L. Wallace
Maj. Genl. U.S. Vols.
President of the Commission

J. Holt
Judge Adv. Genl.
and Judge Adv. of the Commission

Mc A Bingham
Asst Judge Advocate

Henry Aimes
Brevet Col. & Judge Advocate

Executive Mansion
July 5th 1865.

The foregoing sentences in the cases of David E. Herold, G. A. Atzerodt, Lewis Payne, Michael O'Laughlin, Edward Spangler, Samuel Arnold & Mary E. Surratt, and Samuel A. Mudd are hereby approved, and it is ordered that the sentences in the cases of David E. Herold, G. A. Atzerodt, Lewis Payne

16

and Mary E. Surratt be carried into execution by the proper military authority under the direction of the Secretary of war, on the seventh day of July 1865, between the hours of ten o'clock A.M. & two o'clock P.M. of that day — It is further ordered that the prisoners Samuel Arnold Samuel A. Mudd, Edward Spangler and Michael O'Laughlin be confined at hard labor in the Penitentiary at Albany New York during the period designated in their respective sentences.

Andrew Johnson
Pres.

GENERAL T.M. HARRIS ON THE

HANGING OF MRS. SURRATT.

Ritchie Gazette, Harrisville, W.Va.

May 11, 1881.

Mrs. Surratt's Execution.

A reminiscence of that Tragedy, as is well known, General T.M. Harris of this place, was a member of the commission which tried the assassins of President Lincoln. For the sake of gaining their own ends, scrupulous politicians have frequently unjustly assailed him for conscientiously discharging his duty in this connection. As bearing on this matter, we make the following extract from a letter voluntairly written to General Harris by a gentleman of standing and respectability residing in another state, for which reasons entirely satisfactory does not wish publicity given to his name.

General Harris: When I had the pleasure of meeting you a short time ago, I had entirely forgotten the fact of your having been on the court martial that tried and condemned Mrs. Surratt: but after leaving your place, whilst ~~xxxxx~~ talking to a gentleman at Clarksburg, I was reminded of the fact, and also learned that some politicians in your region had criticizen to some extent your action on that court martial, which justifies the finding of the court martial,

I therefore concluded that it will be but an act of Justice to you to communicate the following: An intelligent widow lady of southern birth and prejudice, who was acquainted with Jeff Davis and who ran the blockade, several times during the Rebellion carryihg intelligences to Mr. DAvis, was captured and imprisoned, at the time of Mrs. Surratt's trial and execution in the old capital at Washington. The two women became acquainted when Mrs. Surratt made some confessions which show that she was guilty."

After saying that he does not feel at liberty to give the ladies name or the language, and the writer of the letter says, "Will add, however, that the lady is a relative of mine, whom I visit occasionally since the Rebellion. She is married again, and I can vouch for her veracity and respectability."

We append a copy of General Harris letter to the aothor of the forgoing extract, as pertinent in this connection.

"Dear Sir

Permit me to thank you for your very kind letter of the 3rd inst, and the motives that prompted it. It is true, that some of the Democratic politicians of West Virginia have from the stump, appealed to the egnorant prejudices of our disloyal people by referring to the fact that I was a member of the Military company that tried the conspirators, who aided, abetted and assisted in the assassination of President lincoln; and to give point to their appeals, assumed that I was instrumental in the conviction of an innocent woman -

Mrs. Surratt. I always regarded such appeals as being intended to break the force of argument which they felt unable to answer, and as inspired alike by a spirit of disloyalty, and disregard of truth and justice; and as being to contemptable to merit an answer. I discharged that duty honestly, carefully, conscientiosly, rendering my desision accordingly to my judgement of the evidence presented in the case. I have never had a doubt cross my mind, but that I gave a just and proper verdict: one that will be entertained by all intelligent people in a coming generation and that shall be free from party spirit and prejudices that bias the minds of many who are now actors on the stage. In the meantime, be assured that I shall be disturbed, neither in mind or conscience, by the criticism of the people who would not condemn me. I am very truly yours, etc,

T.M. Harris.

GENERAL T.M. HARRIS LETTER TO THE

SUN, IN NEW YORK, RELATING TO THE TRIAL

OF THE LINCOLN ASSASSINATION TRIAL, IN 1865.

(General T.M. Harris, of Harrisville West Virginia, one of the members of the military commission that tried Mrs. Surratt and the other conspirators of the Lincoln murder, answers one of his critics in The Sun, in New York.)

THE SUN, SUNDAY, AUGUST 4, 1901.

THE CASE OF MRS. SURRATT.

Weichmann's Testimony Did Not Convict Her of Complicity in Lincoln's Murder --- A Letter From One of Her Judges.

TO THE EDITOR OF THE SUN -- Sir: I notice in a recent issue of the Sun that Mr. L.J. Weichmann, who was a prominent witness for the Government in the conspiracy trials of 1865 and 1867, has been made the object of an attack by Mr. J.P. Brophy of your city.

Mr. Brophy's statement is quite true that Mr. Weichmann had no information whatever that Mrs. Surratt or any menber of her family were involvee in the conspiracy in any way, and he has never said to the contrary. When he took the witness stand in 1865, he felt that his evidence would not criminate her, and that she was entirely innocent so far as he knew.

The remarkable cross-examination, which follows, is confirmatory of this, and I ask you in all justice to a very worthy man to publish it:

Cross-examination by Mr. Johnson: Q. During the whole of that period, you never heard him (Surratt) intimate that it was his purpose, or that there was a purpose, to assassinate

the President? A. Never, sir.

Q. Did you ever hear him say anything on the subject, or anybody else during the whole period, from November until the assassination? A. No, sir.

Q. During the whole of that period what was her (Mrs Surratt's) character? A. It was excellent. I have known her since 1863.

Q. Have you been living at her house since November? A. Since November.

Q. During the whole of this time, as far as you could judge, was her character apparently good and amiable? A. Her character was exemplary and ladylike in every particular.

Q. Was she a member of the church? A. Yes sir.

Q. A regular attendant? A. Yes, sir.

Q. Of the Catholic Church? A. Yes, sir.

Q. Are you a Catholic? A. Yes, sir; I am a catholic.

Q. Have you been to church with her? A. I generally accompanied her to church every Sunday.

Q. As far then, as you can judge, her conduct in a religious and in a moral sense was altogether exemplary? A. Yes, sir. She went to her religious duties, at least, every two weeks.

Q. Then, if I understand you, from November up to the 14th of April, whenever she was here, she was regular in her attendance at her own church, and apparently as far as you could judge doing all her duties to God and to man? A. Yes, sir.

By Doster. Q. You do not know of any conversation that passed between Atzerodt and Booth or between Atzerodt and Payne having reference to Payne's assignment to the

assassination of the Secretary of State? A. No, sir.

By Aiken. Q. What was your object in being so swift to give all this information? A. My object was to assist the Government.

Q. Was there any threats made to you by any officer of the Government in case you did not divulge? A. No, sir, no threats at all.

Q. Any inducements? A. No, sir: no inducements at all. I myself had a great deal of fear. Being in this house where these people were. I knew that I would be brought into public notice, but as I for myself being cognizant of anything of this kind, I had no fears at all for I was not cognizant. When I surrendered myself to the Government I surrendered myself because I thought it was my duty. It was hard for me to do so situated as I was with Mrs. Surratt and her family, and with John Surratt, but it was my duty, and my duty I have always regarded it since I had not a word of private conversation with these people which I would not be willing to have the world hear.

Q. You state that all the prisoners at the bar were free and unreserved in their conversation? A. They spoke in my presence on general topics, and so on, but as to their private conversations they never spoke to me.

Q. Do I understand you as stating to the court that in all your conversation with them you never learned of any intended treasonable purpose or act of conspiracy of theirs? A. No, sir.

Q. You never did? A. No, sir.

Q. You were not suspicious of anything of this sort? A. I would have been the last man in the world to suspect John

Surratt, my schoolmate, of the murder of the President of the United States. I looked upon Atzerodt, as did every one in the house, as a good-natured countryman.

Q. And did you still profess to be a ~~xxxx~~ friend of his (John H. Surratt), at the time you were giving this information to the War Department that you speak of? A. I was a friend as far as he, himself was concerned; but when my suspicions as to the danger of the Government, in any particul r, were concerned I preferred to Government to John Surratt. I did not know what he was contemplating. He said he was going to engage in cotton speculation; he was going to engage in oil.

Q. If you did not know what he was contemplating how would you forfeit your friendship to him? What is the ralationship of that? A. I never forfeited my friendship to him: he forfeited friendship to me.

Q. Not by engaging in the cotton speculation? A. No, sir: by placing me in the position I now am in - testifying against him.

Now let me say in all candor, and I speak by the record as a member of the commission, that it was not Weichmann's evidence at all that condemned Mrs. Surratt, and it is high time that the world should know it. Had it depended on what he said not a hair of her head would have been harmed.

The man who did the mischief was John M. Loyd, who was charged by the Government in 1867 with being in the conspiracy himself. Hehad rented Mrs. Surratt's property in Surratsville in December 1864.

him about this matter the Tuesday before, April 11, and had an interview of two hours with him.

Her excuse to Mr. Weichmann was a blind to deceive him as to the nature of her real business, and his answer to the Secretary of War, who questioned him very sternly about this, was that "She had told him that she was going down there about this debt due her.

But there was other evidence. It will be remembered that on the night of April 17 Payne returned to her house, with pickax on his shoulder and cap made from his shirt sleeve on his head, just at the time when she was about to be arrested, and when she was confronted with him, at a distance of only two paces, she denied with sacred oath and unlifted hand that she knew him.(Testimony of three War Department officers -Wemmerskirch, Morgan and Major Smith.)

Yet this very man, the brutal assalant of Mr. Seward with the red stains of blood still on his clothing, and standing in Booth's boots, had, according to the testimony of every one in the house, been there twice, answering to different names, and on the last occasion taking his meals at her table and at her very side, for four days, and still she did not know him.

The very act of this red-handed murderer fleeing to her home at such a time, was in itself, the strongest and most damning evidence against her.

Take away those two items of evidence - the terible story of the shooting irons and Payne's return, wipe them out, remove them from the record, and Mr. Weichmann's evidence as to what he saw and heard in Mrs. Surratt's house during the four

months he was there falls harmlessly to the ground.

I do not know that Mr. Weichmann needs any vindication at my hands. Of him the prosecution said in 1865, that "the defanse had not contradicted a single fact to which he had testified, nor had they found a single breath of suspicion against his character."

A higher tribute was never paid a man under such trying circumstances.

Is it not time, Mr. Editor, that these lies and misrepresentations about this case should cease? I remember reading in the papers at various periods how all the members of the commission ~~had had come had had had had~~ had come to untimely ends; yet the truth is there is not a member of that commission who has failed to reach the age of 70. Gen. David Hunter died at the age of 82: Gen Ekin at 71; Gen Howe at (70-79?): Gens. Kautz and Clendennin over 70.

Of the living, Lew wallace is 75. Foster and Col. Tompkins over 70, and here I am at 88. Judge Bingham died last year at the age of82, Judge Advocate General Holt died in 1894 at 87, and Judge Burnett, the only remaining Judge Advocate of the trial, is (63-83?) and is doing splendid work as the attorney of the Southern District of New York.

I remember, how, too, for more than ten years the story was circulated that Stanton had cut his throat, a falsehood that hadits run until Gen. Barnes, whose hand had rested on Stanton's last heart beat, contradicted it.

Then again came the story that Judge Advocate General Holt had suppressed the recommendation for mercy in Mrs. Surratt's case. That had its run for thirty years, and ended only when Holt ~~had~~ was laid to rest.

It is only as Weichmann's testimony is supplemented by that of other witnesses that it had any importance in the minds of the commission. A true and careful history of that trial has been published and is accessable to any who desire correct historical information in regard to that great tragedy in our national life.

I will close this paper by saying that one of the severest things in this whole case has been said by John Surratt himself. In a lecture delivered in December 1870, he tells us how in March 1865, he, Booth, Payne, Herold, Atzerodt, O'Laughlin and Arnold started out to capture the President at the Soldier's Home, when a ~~play purposely arranged~~ play, purposely arranged, in which Lester Wallack, E.L. Davenport and John Matthews were to act, was to be given. He states how the President at the last moment was detained, but sent Mr. Chase, the Secretary of the Treasury in his place. He tells us further how much they were disappointed: they did not want him, they wanted a bigger chase.

He informs us that the President was to be seized at the close of the play and that he was to be driven in his coach to lower Maryland, but he does not tell us that he was to do the driving. That was left for Atzerodt to reveal in his confession. Had John H. ~~Atzerodt~~ Surratt then done his whole duty in exposing the matter to Mr. Stanton the tragedy occurrences of April 14 would have had no place in our history.

Respectfully,

T.M. Harris.

Member of the Commission.

John E. Clampitt, on the execution of Mrs. Surratt, for her part in the Lincoln Assassination. Here he indirectly accused General T.L. Harris, of West Virginia, a member of the trial commission, who answered in the October, 31st, number.

Chicago Post
Sept 21, 1901

THE CHICAGO POST.

September 21, 1901.

CLAMPITT IN HER AID.

Retired lawyer of Highland
Park fought for Mrs. Surratt.

Killing of Lincoln recalled.

Suburban resident still insists that alleged woman's Conspirators was punished unjustly.

While the world is waiting the inevitable conviction and execution of Lein Czolgosz the minds of the older generation revert to the scenes which ensued upon the death of the first of the three Presidents of the Amreican Republic whose careers have been ended by assassins' bullets.

Retribution followed swift and sure upon the murder of Abraham Lincoln, the first of the trio of martyred Presidents. John Wilkes Booth, who fired the fatal shot, found a fiery grave within a few days after he committed his foul crime, and a short time afterwards four others, convicted of conspiracy paid the penalty of their crime upon the scaffold.

With one exception, the names of Booth's confederates have been almost forgotten. The case of Mrs. Mary E. Surratt, the only woman implicated in the conspiracy, preserves its absorbing interest, for to the present day there are thousands who believed that with her execution an innocent woman was sent to her death.

CLAMPITT IN HER AID.

When Mrs. Surratt was put on trial for her life before the military commission convened for the purpose, few men dared, even if they had the desire, to rise in her defense. Convinced of her innocence, John W. Clampitt, a young lawyer barely 26 years of age, came to her aid and fought a valiant but hopeless battle in her defense. Night and day he toiled over the case, and not until the rope was placed about his client's neck did he admit defeat. Although he lost his case, the young attorney's defense of the accused woman attracted widespread attention.

John W. Clampitt lives in Highland park to-day as confident as he was thirty-six hears ago that the ends of justice were defeated when Mary E. Surratt was sent to her death. The passing years have left their mark upon Mr. Clampitt, and he is now unable to rise from his bed.

Mr. Clampitt retired from active law practice in Chicago several years ago.

When seen at his home at Highland Park to-day, Mr. Clampitt asserted that the execution of Mrs. Surratt left a stain upon the fair pages of the judicial history of the United States.

"Mrs. Surratt was condemned and executed for a crime of which she was absolutely innocent." he said, "and the only explanation for the miscarage of justice is to be found, in my opinion, in the fact that the commission was organized to convict."

EVIDENCE OF DEFENSE BARRED.

Mr. Clampitt declared that all the evidence that tended toward conviction was admitted, while, on one pretext and another, evidence for the defense was rejected. All the evidence, he asserted, that was introduced to prove Mrs. Surratt's connection

with the conspiracy was circumstantial.

One of the strongest points in the evidence against Mrs. Surratt was the fact that she carried a bundle containing a spy-glass and a revolver from Booth's to a co-conspirator at Surratsville on the day preceeding the night of the murder.

"Mrs. Surratt made the trip to Surratsville on personal business connected with her estate," said Mr. Clampitt, "and was unwittingly used as a tool by Booth."

Only one other damaging bit of evidence against Mrs. Surratt was the fact that Payne, the man who assaulted Secretary of State Seward on the same night that Lincoln was assassinated, appeared at her house, disguised as a workingman, on the night following the assassination.

"Payne had come to Washington only a short time before the attack upon the government officials was made," continued Mr. Clampitt, "He fell under the influence of John Wilkes Booth, and was selected by him to commit the murderous assault upon Secretary Seward."

HIDES IN TREE BRANCHES.

"After his attack upon the secretary Payne fled to the country and spent the following day in the branches of a tree, hiding from the squads of cavalry which were scouring the surrounding country. At night, made desperate by the cravings of hinger and thirst, he naturally turned to the only friend he had on earth, John Surratt, son of Mrs. Surratt."

Mr. Clammpitt thinks that this incident, as much as anything else led to the conviction of Mrs. Surratt, but is confident that she had no intimation that her son was in league with the conspirators. Mr. Clampitt branded the testimony of Weichman and Lloyd, who turned state's evidence, as perjury.

Mr. Clampitt told of his efforts to have Mrs. Surratt freed after the commission had sentenced her to be hanged. When all efforts to secure a reprive from President Johnson proved unavailing the attorney induced Judge Andrew Wylie to issue a writ of habeas corpus at 4 1'clock in the morning of the day set for the execution, only to have its ef ect nullified by the order from President Johnson suspending the operation of the habeas corpus act. At the time of the trial Mr. Clampitt attacked the jurisdiction of the military commission, but to no avail.

CALLS IT A GREAT CRIME.

The excitement under which the country labored and which permeated even to the highest civil and military officers was responsible in his opinion for what he terms "a great crime committed in the name of justice."

Mr. Clampitt was born in Washington, D.C. and grew to manhood in that city. He graduated from Columbia University. Although his father was a southerner by birth he was a strong Union man, and the son was a member of the first battalion mustered into the great volunteer army. Leaving thearmy before was ended, he studied law and was only 26 years old when he undertook the defense of Mrs. Surratt.

General T.M. Harris,

of

Harrisville, West Virginia,

on the hanging of Mrs. Surratt.

Chicago Post 1901
Oct 21

General T.M. Harris, of
Harrisville, W.Va., on the
hanging of Mrs. Surratt.

An article by General
T.M. Harris, of Harrisville,
W.Va. who was a member of the com-
mission that tried the Lincoln conspir-
ators. Here he defends his stand in the trial.

THE CHICAGO POST, MONDAY, OCTOBER 21, 1901.

Hits Clampitt hard.

T.M. Harris answers accusation that Mrs. Surratt was unjustly executed.

Not organized to convict.

Members of Commission which tried Lincoln assassins denies cruel charge.

T.M. Harris, one of the two surviving members of the famous military commission which tried and convicted the foul assassins of Abraham Lincoln, has prepared for THE CHICAGO POST, a reply to the interview with John Clampitt printed in this paper Sept. 21. Mr Harris is 89 years old, and he and General Lew Wallace are the only surviving members of the commission. Some of the facts regarding the trial and conviction of the Lincoln conspirators have never before been told, and will prove of great interest to the American people at this time. The story as told my Mr Harris follows:

HARRISVILLE, W.VA. Oct 19.-

To the Editor:- I desire to reply through your paper to a recent article from John Clampitt, the junior counsel for Mrs. Mary E. Surratt at the trial of the conspirators. I beg to say that I was one of the members of the commission which tried the conspirators against the life of Abraham Lincoln, and I know from personal experience that if there ever was a judicial body disposed to do what was right the tribunal referred to was such a one. It was called into existence at the supreme hour in the life of the national government. The President of the United States had been assinated, and it was the plan to carry down with him the Vice President, the Secretary of State and the general commanding the armies.

NAMES MILITARY COMMISSION.

The matter having been referred to him by the President, Andrew Johnson, the Attorney General of the United States, Mr. Speed, decided that the conspirators were triable by military commission. The country was still in a condition of war. Large bodies of armed troops had not surrendered, and Washington was the very center of the military operations for preserving the Union. The commission appointed by Mr. Johnson was composed of the following gentlemen: General David R. Hunter, (President), General Lew Wallace, General James A. Ekin, General A.V. Kautz, General A.R. Howe, General R.S. Foster, General T.M. Harris, Colonel Tompkins and Colonel David R. Clendennin.

I might say that no tribunal ever acted fairer than this. The prisoners were too poor to pay the ec-

penses of counsel and of the witnesses summoned in their behalf, and in the mamority of those cases such expenses were met by the United states, whose leading officers these people had conspired to murder, and in this way to dismember the republic.

The commission sat for nearly two months, heard the evidence very patiently and in no instance was any testimony excluded that was legally admissable. I chalenge Mr. Clampitt to prove the contrary.

COMMISSION WAS UNANIMOUS.

As is well known, of the eight person who were on trial at that time, four were sentenced to death, including Mary E. Surratt, and the other four were sent to the Dry Tortugas for various periods of imprisonment. The country had never found a particle of fault with the commission for having done its duty in the cases of Payne, Atzerodt, Herold and of those sentenced to the Dry Tortugas, and it is a very strange anomaly that the commission is said only to have erred in the case of the woman. I might say now without any violation of confidence that the sentence in the case of those suffering capital punishment was unanimous - not a dissenting voice, and it takes only a two thirds verdict of a military commission to convict.

Mr. Clampitt also says that the court was packed purpously to convict. This is a gross insult to every member of the commission and I am surprised that Mr. Clampitt should have made it.

He also attacks the witnesses, Weichmann and

Lloyd, and says that they did not tell the truth.

With reference to Mr. Weichmann I wish to say that I have known him for thirty-six years, have enjoyed his friendshop and I consider him in all respects a very honorable and upright man. Of him, the prosecution said in 1865: "In all this issue the defense has not contradicted a single fact to which he has testified, neither have they found a breath of suspicion against his character." He has been a much-persecuted man and I shall stand by him until the end of my life in protecting him against these wicked assaults. He was not the principal witness against Mrs. Surratt and if the government had depended on his evidence to convict her it would have failed. His evidence was supplementary and only became of importance after that of Lloyd and others.

I might say here that it was chiefly John W. Lloyd's evidence that did the damage. Who was Lloyd, anyhow? He was a plain unpretentious man, who rented Mrs. Surratt's property at Surratsville, and paid her every month $41,66 for the use of it. And if this man was mixed up in the affair it was only because of the actions of John H. Surratt and Mary E. Surratt, his mother.

BOOTH UNFOLDS HIS PLAN.

To understand the real history of this case it will be necessary to go back for some months. In August, 1864, Booth met Samuel Arnold and Michael O'Laughlin at Barnum's Hotel in Baltimore. He then un-

folded to them a plan for capturing Mr. Lincoln in the City of Washington on one of his drives to the Soldier's Home or at Ford's Theatre. These two young men, after hearing him paint the chances of success in very glowing colors, agreed to the project. In pursance of his plan Booth purchased a large supply of ammunition, knives, revolvers and two Spencer carbines, each one capable of shooting off seven loads in succession without the necessity of reloading. These articles filled a large trunk and were taken by Arnold and O'Laughlin to Washington in Gebruary, 1865.

On the 16th of March, 1865, seven of the conspirators - John Wilkins Booth, John H. Surratt, Lewis Payne, George A Atzerodt, Davis E. Herold, Michael O'Laughlin and Samuel Arnold - rode away from the front of Mrs. Surratt's house about 2 O'clock in the afternoon and went out Seventh street in the direction of the Soldier's Home, with the avowed purpose of capturint the President.

Surratt tells us in his so-called lecture of Dec. 8, 1870, at Rockville, Md., that on that day a play had been arranged at the soldier's home, in which Lester Wallack, E.L. Davenport and John Matthews, famous actors in those days, were to perform. The President had been earnestly and repeatedly invited to attend, and had given his promise that he would do so. At the last moment, however, he was obliged to break his engagement, and sent Mr. Chase, the Secretary of the Treasury, in his place. Thereupon John H. Surratt informs

the public that "they were very much disappointed. They did not want him, but they wanted a bigger Chase". Well, they only had to wait a few weeks, and then got the "bigger Chase" on the 14 th of April.

It was arranged that after the play was over the President was to be seized by these seven conspirators, who were all heavily armed with revolvers, bowie kneves and the two Spencer carbines already referred to. Mr. Surratt was to jump on the box of the President's carriage, seize the reins and then drive as rapidly as he could through lower Maryland, across the Potomac at Port Tobacco and into Virginia. It was calculated that in a few hours they would have the President inside the confederate lines, and then Booth's plan was to force an exchange of the President for the confederate soldiers, about 87,000 in number, in the northern prisons.

CONSPIRATORS ARE BAFFLED.

The affair resulted in a wretched failure, and the seven conspirators returned to Washington disappointed and baffled. Had they got hold of the President that day the chances are that they might have murdered him instead of taking him a prisoner, as they had contemplated. This was the end of the plot to capture and there is no evidence at all in the existence that after the 16th of March it was ever attempted again.

A few days after this escapade, about the 23d of March, John H. Surratt, George A Atzerodt and David E. Herold appeated at Mr. Lloyd's place in the morning. Surratt called Lloyd into the parlor and there on the

the sofa lay the two Spencer carbines, a monkey wrench and a long stretch of rope, with some ammunition. These things had been turned over to Herold by Michael L'Laughlin. Surratt told Mr. Lloyd that he wanted them concealed there. Lloyd objected, saying it was dangerous, and that the country was filled with the military, and that it would do him injury. Surratt, however, knew a secret place, namely under the rafters in the storeroom, and there, having probably overcome Mr. Lloyd's objections, he concealed them. This is Mr. Lloyd's first appearance in this case, an entirely innocent one, and not of his own creation. Surratt did not say for what purpose the carbines were secreted, but told Lloyd that he would call for them in a few days. Thus it is shown that it was Mrs. Surratt's own son who hid in this place the dangerous weapons which were afterward so intimately connected with her death.

No further use of these articles was made until the 14th of April, when, as the sequel will show, they were taken from their hiding place. On the 11th of April, three days before the murder, Mrs. Surratt, on a visit to Maryland to see John K. Nothy, a debtor of hers, accidently met on the road Mr. Lloyd going to Washington. She called him to her, and then in a way her attendant could not understand told him to have the "shooting irons" ready; that they would be wanted soon.

FATEFUL 14TH OF APRIL.

We now come to the 14th day of April, 1865, the day of the Assassination. Booth was always a late riser, and was the last one at breakfast on that day at

the National Hotel. When his breakfast was finished, he went into the barber-shop, walked up Sixth street to C, to Phumphrey's stables. Here he hired a horse a light bay mare, which was to be delivered to him in the afternoon, and at thesame time, told Phumphrey that he was going to Grover's Theatre to write a letter. Pumphrey never again saw Booth or his horse after that time.

From Pumphrey's place Booth went along Sixth street until he came to H. He turmed the corner, and in a few minutes he was in Mrs. Surratt's house, at No 541 and had an interview with her. This was his first visit to her on that day, but it was only preliminary to his two subsequent visits at a later daye. Booth, Father Walter and John T. Ford, in written articles left them, certify to this fact, although was not established at the time of the conspiracy trial.

After leaving the Surratt house, Booth went on H. to Tenth, and was seen coming down Tenth street by some attaches of the theatre. This was about 11:30. When he reached the theatre, the first thing he did was to ask for his mail. This was given to him and he eagerly read it, one of the letters being so long as to attract attention. Then he was informed that President Lincoln and General Grant would attend the theatre in the evening. The information seemed to cause him some agitation, and in a very few minutes he departed.

ASSASSINATION LONG PREMEDITATED.

The story has been persistently circulated around the country that Booth did not conceive the desire

to kill the President until he heard from these theatre employees that he was to be at the theatre that night. This is a most ridiculous assertion. There is abundant evidence that all along during his atay in Washington during the winter of 1864 and 1865 he had the murder of the President on his mind. The famous Charles Selby letter, which was found in the cars in New York in November, 1864, and which was traced directly to him, his actions on the 4th day of March when he stood directly behind the President, and as he afterwards said to Samuel Knapp Chester, "What an excellent chance I had to kill the President on inaguration day," and his remarks to young Herold on the evening of April 11, when he was before the White House in the crowd which was listening to the President's address, in which sufferage for the negro was advocated, he said, "Now, by God, I will put him through." are all destructive to these fables.

In fact, too, that he ordered his horse of Pumphrey before going to Mrs. Surratt's house and before he arrived at the theatre in the morning is evidence that he knew the President was to be at the theatre and he intended to kill him. No one was more thoroughly posted on the President's doings, his coming and going, than Booth. He was watching him all the time, and there is evidence that on several occasions he followed his carriage with the intention of shooting him.

Now let us trturn to the Surratt house. In the

morning early on April 14 Mr Weichmann had been to St. Patrick's Church and had assisted in the veneration of the cross, a ceremony peculiar to Catholics. Then He went to his boarding-house for his breakfast and after that was over made his way to his office in the War Department. Here he remained until 10, or about half past 10 o'clock when an official letter from Mr. Stanton was read in which all clerks of his department were given permission to attend divine service, it being Good Friday, and to absent themselves from their duties for the remainder of the day. Mr. Weichmann availed himself of this privilege and went to St. Matthew's Church, and after the service was over, at about half-past 12, he returned to his boarding-house. He partook of linch with the family and then retired to his room, intending to spend the remainder of the day in reading "Pickwick."

At about 2 o'clock in the afternoon, he heard a knock at his room door, and, on opening it, saw Mrs Surratt with a letter in her hand. "Mr. Weichmann," said she, "I have received a letter from George Calvert to whom I owe some money and I find it necessary to go into the country to-day and see Mr. Nothey again about the payment of the money which is due me. Would you have any objection to driving me into the country? Of course, Mr. Weichmann had none; in fact, he was glad of an opportunity to handle a horse and buggy for the second time in his life. "Certainly," he said, "I will drive you down." "Here are $10," she answered, "Go you and hire the horse and buggy." Weichmann took the money, went downstairs and just as he opened the door stood face to face

with John Wilkes Booth, who was about to pull the front door bell. They exchanged a pleasant salutation and Booth went into the house. This was his second visit.

Weichmann got the horse and buggy and then returned. He found it necessary to go to his room to get some article of clothing, and on returning saw Mrs. Surratt and Booth in conversation in the parlor. He went out to the curb and took charge of the horse and in a few moments Booth came down the front steps, waved his hand to Mr. Weichmann, and that was the last the young man ever saw of the actor. In a few moments Mrs Surratt came, and was just in the act of getting into the buggy when she said: "Stop, let me get those things of Booth's." She went into the house and presently returned with two packages in her hand, one, a package of what were evidently business papers and the other a package done up in brown paper which she deposited in the bottom of the buggy and which afterwards proved to be Booth's field glass, and which he had brought to the house. That identical field glass is now in possession of the government at Washington, Mr. Weichmann did not see the contents of the brown paper package and was under the impression that it contained some articles of china ware or glass which she was going to give to an old colored woman in the country, of whom she was very fond.

MRS SURRATT'S LETTER.

When they reached Surrattsville, the home which Mr. Lloyd had leased, Mrs. Surratt got out of the buggy. Mr. Weichmann remained in it and drove around

in the soft roads of the country exercising the horses. When he returned to Lloyd's he saw Mrs. Surratt at one of the windows of the house, who rapped on it and called him inside. She told him that Mr. Nothey, the man whom she had expected to see, was not there and that it would be necessary to write him a letter. Mr. Weidhmann then wrote the following letter for Mrs. Surratt at her dictation:

SURRATTSVILLE, Md. April 14, 1865. John Nothey. Dear Sir:- I have this day received a letter from Mr. Calvert intimating that either you or you friends have represented to him that I am not willing to settle with you for the land. You know that I am ready and have been waiting for these last two years: and now if you do not come within the nest ten days I will settle with Mr. Calvert and bring suit against you immediately. Mr. Calvert will give you a deed on receiving payment.

M.E. Surratt.

Administratrix of John H. Surratt.

Now I wish to say right here that all this talk about seeing Mr. Nothey that day was a great imposition practiced on thisyoung man. She had no intention of meeting Nothey, had made no arrangements with him to that effect and did not go near his house, which was only three miles farther away. She had seen him for nearly three hours in the presence of Mr. Gwynn on the 11th of April and arrangements had veen made as to the payment of the debt, but it was necessary to give some excuse for her trip to Surrattsville, and accordingly

this story of going to see Mr. Nothey was invented.

DEFENSE RELIED ON WEICHMANN.

That letter, written by Mr. Weichmann, was the chief evidence on which the defense mainly relied to prove that the object of Mrs. Surratt's visit to the country at that time was an innocent one. Indeed, so strong was the feeling of the defense in this matter that at one time during the trial, as I well remember, they wanted to make Mr. Weichmann their own witness. The official record shows this. They, however, reconsidered their determination, and then they did all they could to blacken the reputation of this faithful and honest man. Now let us see what really took place at Lloyd's. Mrs Surratt did not meet John Nothey that day, but she did meet John M. Lloyd. When she arrived at SurratsVille, Lloyd was not at home, but she waited until he came. What followed can best be told in Lloyd's own words. I quote from the record as complied by Ben Pitman, the official stenographer in the case.

Lloyd said: "On the 14th day of April I went to Marliboro to attend a trial there, and in the evening When I got home, which, I should judge, was about 5 1'clock, I found Mrs. Surratt there. She met me out by the woodpile as I drove in with some fish and oysters in my buggy. She told me to have those shooting irons ready that night and two bottles of whiskey: there would be some parties who would call for them. She gave me something wrapped up in a piece of paper, which I took upstairs and found to be a field glass. When I drove up

to the woodyard Mrs. Surratt came out to where I was. The first thing she said to me was: "Talk about the devil and his imps will appear," or something to that effect. I said: "I was not aware I was a devil before," "Well" said she, "Mr Lloyd, I want you to have those shooting-irons ready; there will be parties here tonight who will call for them." At the same time she gave me something wrapped up in a newspaper (Booth's field glasses), which I did not undo until I got upstairs."

HOW DID SHE KNOW IT?

How did this woman know that these carbines had been secreted at that place? Who told her that they would be wanted that night? Who but Booth?

After giving these orders Mrs. Surratt returned to the city, which she reached shortly after 8 o'clock. While the family were at supper footsteps were heard coming up the steps on the outside, and the doorbell rung. Mrs. Surratt herself answered the call. The party went into the parlor and remained but four or five minutes and then left. That was John Wilkes Booth's third and last visit to the house that day. Thus three times was this archassassin at the house on the 14th day of April, as I have shown. What was he doing there, anyhow, on this the most important day of his life? And what was he doing there on his third visit but waiting to learn if the road to Surrattsville that night was clear for him, and if the shooting-irons and the whiskey would be ready to deliver to him.

This was the most important testimony against this woman, and in all the years that have come and gone

since 1865 I have seen no explanation of this terrible story of the shooting-irons. It has never been contradicted: It cannot be and it never will be. Like Macbeth, the "damned spot will not out." Had this woman remained at her home that day and not given these orders of John Wilkes Booth to Lloyd she would have never been punished as she was.

But let us see what happened on the night of the 14th. About 12 o'clock Booth and Herold, fresh from the recent murder, with the red blood of Abraham Lincoln on their hands and souls, dashed down the road to Lloyd's tavern. Lloud was up and fully prepared to carry out his part of the programme. The carbines and whiskey ordered by Mrs. Surratt, together with Booth's field glass were ready and waiting the arrival of the assassins to whom they were to be delivered.

Herold rushed into the house and exclaimed, "Lloyd, for God's sake make haste and get those things." Lloyd made no reply but went straight and got the carbines, supposing Booth and Herold were the parties to whom Mrs. Surratt referred. From the way Herold spoke he must have been apprised that Lloyd already knew what he was to give them.

Booth did not enter the house: Lloyd was unacquainted with him. Herold procured one of the bottles of whiskey which Mrs. Surratt had ordered and took it out to Booth, who drank it while sitting on his horse.

They did not remain at Lloyd's house over five minutes, and on their departure took with them only one of the carbines. Booth said he could not take the other

because his leg was broke . As they were about leaving Booth called out, "I will tell you some news if you want to hear it." Lloyd answered, " I am not particular; use your own pleasure about telling me." "Well," rejoined Booth, "I am pretty certain that we have assassinated the President and the Secretary of State."

LLOYD MAKES CONFESSION.

Lloyd was arrested during the following week by Detective Joshua A. Lloyd and was placed in charge of Officer George Cottingham at Toby's Postoffice, near Surratsville. When taken he wept bitterly, threw his arms around his wife's neck and called for his prayer book. For two days he denied knowing anything about the assassination, but Cottingham sprang a trap upon him, and told him he was perfectly satisfied he knew all about it; that he had a heavy load on his mind, and that the sooner he got rid of it the better. Lloyd then said: "Oh, my God, if I was to make a confession they would murder me." Cottingham asked, "Who would murder you?" Lloyd replied: "Those parties that are in this conspiracy." "Well," said Cottingham, "if you are afraid of being murdered and let these fellows get out of it that is your business, not mine."

Lloyd then detailed all the circumstances attending the deposit of the carbines,"shooting-irons," at his place by John H. Surratt, Arzerodt and Herold in March, and stated how Mrs. Surratt came down to his place on the afternoon of the assassination and ordered them, together with two bottles of whiskey, to be held in readiness that night for the parties who would call

for them.

All this was told to Cottingham while on the way to Washington with a squad of cavalry. Lloyd commenced crying and hallooing out: "Mrs Surratt, that vile woman, she has ruined me. I am to be shot. I am to be shot."

Lloyd stated to Cottingham that the carbine which Booth left behind him was upstairs in a little room where Mrs. Surratt kept some bags. It was found behind the plastering of the wall. It was in a bag and had been suspended by a string tied around the muzzle of the carbine; the string had broken and the carbine fallen down.

BINGHAM'S DRAMATIC EFFORT.

It was attempted during the trial to prove that Lloyd had been drinking and had told a lie. At this Judge Bingham jumped to his feet, and seizing the carbines which were lying on the table of the commission, and waving them above his head, exclaimed: "Gentlemen, they say that Lloyd was drunk and that he lied; but these carbines were not drunk and they don't lie. Where did Booth get them? One was found on his person after he was shot in Garret's barn, and the other, its mate, was discovered in the house at Surrattsville where Booth had left it. Gentleman, these carbines were not drunk and they don't lie.

The effect of Judge Bingham's words was remarkable, and all opposition in this direction was squelched.

There was, However, another very important piece of evidence which Mr. Clampitt does not state as it occurred. Payne, who had assaulted Mr. Seward,

and who had wounded five persons in his efforts to kill that gentleman, it will be remembered, after his escape from the secretary's house, lay concealed in a vault in the Congressional Cemetery for three days. At the end of that time he placed a cap on his head made out of the sleeve of his undershirt and seizing a pick-ax which he found lying in the grounds, at about 11 1'clock at night on the evening of April 17 he started for Mrs Surratt's house. He mounted the wooden steps with the pick-ax on his shoulder and rang the door bell. It was just at this time that Secretary Stanton had ordered a posse of War Department officers to take charge of the house and to place everyone found in it under arrest. Officer Morgan responded to Payne's call, asked him who he was and what he wanted. Payne told him that he had been sent for by Mrs. Surratt to dig a ditch for her, but inasmuch as it was late at night he would come again the the morning. The officer said, "No," forced him into the house and took his pick-ax away from him.

On inquiry, he gave the name of Payne, said he had been in the confederate army and had left it about a year, and was then engaged in doing odd jobs in Washington in Cleaning ditches, etc. At this point Major Smith called Mrs. Surratt into the hall, and confronting her with the prisoner at a distance of only two feet, asked her if she knew him. She replied, "No." and raising her hand swore that she had never seen him before and did not know who he was.

SHE KNEW HIM WELL.

And yet this man had been in her house on two

occasions, answering to two different names, and the last time staying four days, taking his breakfast, dinner and supper at her side and yet she did not know him. As she was about to get into her carriage that was to take her to the War Department, she leaned over to Officer Morgan and said, "I am glad that you officers came, for this man with the pick-ax would have killed us all.

The act of this red-handed assassin with the stains of his victim's blood still upon his clothing and wearing the boots which the assassin Both had given him and Mrs Surratt's sacred oath that she did not know him was evidence of the most telling and damaging character.

These two items of testimony were sufficient of themselves to bring about this woman's conviction, but added to this was the fact that Booth had been a continuous visitor to her house for over four months, that Payne, Herold, Atzerolt and others of a suspicious character had come there and made it their headquarters.

I may say that Mr. Weichmann gave this woman the best character of any witness on the stand: better than that given by Fathers Wigget, Stone, Young, O'-laughlin and others who had known her for many years, and there is nothing at all in this testimony itself of an incriminating character.

Is it not time, Mr. Editor, that all these slanders in reference to the case cease and that the verdict be left to history? For more than thirty-six

years the press of this country has rung with the same charge that all the members of the commission had died violent and ignoble deaths, yet, as a matter of fact, four of them - Generals Lew Wallace and H.S. Foster of Indiana, Colonel Charles W. Tompkins of Washington and myself at thr age of 89 - still survive. Every one of these gentleman has lived to be over 70 years of age, and some of them, as Lew Wallace, the great author of "Ben-Hur," have risen to world-wide fame. Yet every-one of these men has been called a butcher and an executioner.

Stanton, the great Secretary of War, was said to have commi tted suicide because of remorse. This story had its run for ten years until Surgeon General Barnes, whose hand had rested on Stanton's last heart-beat, was compelled to deny the foul slander.

Joseph Holt, that eminent son of Kentucky who remained faithful to the Union when millions faltered and who was appointed by President Lincoln to be the judge advocate general of the United States army, was charged with supressing the recomendation of mercy, signed by five members of the court, and which was addressed to the President. This story was circulated for more than twenty-five years and only had its end when Holt was laid away to rest in 1894.
Everyone connected with the case from the President down, the Secretary of War, General Hancock, General Hartranft, the members of the commission, the witnesses in the case, have all been maligned simply because they were faithful to duty.

Certainly Mr. Editor, at a time when our country is reddened with the third assassination of its President, I submit that it is not well to vindicate those who robbed this country of Abraham Lincoln, be they man or woman.

T.M. Harris.

Member of the Military Commission.
